10/590786

IAP12 Rec'd PCT/PTO 25 AUG 2006

Attorney Docket No. BHC 041037

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: GIELEN-HÄRTWIG, et al.

Group No.:

Serial No.: [to be assigned] National Stage of: PCT/EP2005/001487

Examiner:

Filed: herewith

For: Heterocyclic Derivatives

Date: August 25, 2006

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

William F. Gray

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA. VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))

Dear Sir:

Applicants wish to cite for the record in the above-identified application the references shown on the accompanying copy of PTO form 1449.

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement transmitted herewith is being filed within three months of the filing or nationalization of this application, or before the mailing date of the first Office action on the merits.

FEE PAYMENT

Applicants believe that no fees are due with this submission. However, the Commissioner is hereby authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account.

Respectfully submitted,

Reg. No. 31018

Telephone: (203) 812-2712

Date: August 25, 2006

William F. Gray Attorney for Applicant(s) Bayer Corporation

400 Morgan Lane West Haven, CT 06516

IAP12 Rec'd PCT/PTO 25 AUG 2006

| Under the Peperwork Reduction Act of 1995, no persons are required | U.S. Patent and Trac | proved for use through 07/31/2006, OMB 0631-0031 lemark Office; U.S. DEPARTMENT OF COMMERCE netion unless it contains a valid OMB control number | |
|---|----------------------|--|--|
| Substitute for form 1449/PTO | Complete if Known | | |
| | Application Number | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many shoots as necessary) | Filing Date | August 25, 2006 | |
| | First Named Inventor | Gielen-Härtwig, et al. | |
| | Art Unit | | |
| | Examiner Name | | |

Attorney Docket Number BHC 041037

Sheet 1

Exeminer

Signature

/Cecilia Jaisle/

| | | | U. S. PATENT D | OCUMENTS | |
|---------------------------------|--|---|--|---|----------------|
| Examiner Cite Initials' No.1 | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant | |
| | | Number-Kind Code ^{2 (Finoury)} | | | Figures Appear |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | | US- | | | |
| - | | US- | | | |
| | | US- | | | |
| | | US- | - | | |
| | _ | US- | | | |
| | - | US- | | | |
| | | US- | | | |
| | | US- | | | |
| | _ | US- | | | |
| | | US- | | | - |
| | | US- | | | |
| | \vdash | US- | | | |
| | | US- | | | |
| | | US- | 1 | | |
| | \vdash | US- | | | |

| Cite No.1 | Foreign Patent Document | Publication Date | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
|-------------------------------|---|---------------------|--|---|
| Country Code ³ | Country Code ³ "Number ⁴ "Kind Code ⁶ (If known) | MM-DD-YYYY | | |
| F1 | WO 2003/053930 | 07/03/03 | Bayer Aktiengesellschaft | |
| F2 | WO 2004/024700 | 03/25/04 | Bayer HealthCare AG | |
| | | _ | | |
| | | | | |
| _ | | | | |

Considered "EXAMINER: Initial if reference considered, whether or not classon is in conformance with MPEP 669. Draw line through classion if not in conformance and not considered, include copy of this form with neat communication to applicant. *Applicant's unique citation designation number (optional.). *See Kinds Codes of USPPO Review Comments at www.usefa.copy or MPEP 9910.4. *Enter Officion has issued the document, by the two-letter code (NPPO Standard ST.3). *For Year of the PEP 9910.4. *Enter Officion has issued the document, by the two-letter code (NPPO Standard ST.3). *For Year of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the Comment of the PEP 9910.4. *Enter Officion has insulated the PEP 9910.4. *Enter Officion has insul Transletion is attached.

Transition is attached.
This collection of Internation is required to obtain or retain a benefit by the public which is to file (and by the Transition is the collection of Internation is required to obtain or retain a benefit by the public which is to file (and by the Transition Internation In

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Date

05/02/2008

10/590786

IAP12 Rec'd PCT/PTO 25 AUG 2006

PTO/SB/08B (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Petent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number Complete if Known Substitute for form 1449/PTO **Application Number** INFORMATION DISCLOSURE Filing Date August 25, 2006 STATEMENT BY APPLICANT First Named Inventor Gielen-Härtwig, et al. Art Unit (Use as many sheets as necassary) Examiner Name Attomey Docket Number Sheet 2 of 12 BHC 041037

| | | NON PATENT LITERATURE DOCUMENTS | |
|-----------------------|-------------|---|----------------|
| Examiner Initials* | Cite No. | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | R1 | Ohmoto, et al., Development of Orally Active Nonpeptidic Inhibitors of Human Neutrophil Elastase; J. Med. Chem., 44, pp. 1268-1285 (2001) | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| Examiner | /Cecilia Jaisle/ | Date | 05/02/2008 |
|-----------|------------------|------------|------------|
| Signature | | Considered | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered, Include copy of this form with not communication to application. It is precised in the product of t Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.